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| 10/532,174   | 04/21/2005  | Michael Finkenzeller | 2002P176-49WOUS                | 6182                   |
| 7590<br>Siemens Corporation<br>Intellectual Property Department<br>170 Wood Avenue South<br>Iselin, NJ 08830 |             |                      | EXAMINER<br>MCLEOD, MARSHALL M |                        |
|  |             |                      | ART UNIT<br>2457               | PAPER NUMBER           |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/532,174

**Applicant(s)**

FINKENZELLER ET AL.

**Examiner**

MARSHALL MCLEOD

**Art Unit**

2457

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 56-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 56-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/226)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 56-77 are pending in this application. Claims 1-55 have been cancelled.

***Claim Objections***

2. Claim 68 is objected to because of the following informalities: the claim language seems in complete as it recites "...wherein at least one of the second networks is also a network of the at least one first network". It is unclear how the second network can also be a network of the at least one first network. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 68 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
5. With respect to claim 68, applicant's specification makes no mention of "at least one parameter dependent upon a selected video application"). Appropriate clarification or correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claim 56 are rejected under 35 U.S.C. 102(e) as being anticipated by Eneborg et al. (Patent. No 6,965,948 B1), hereinafter Eneborg.**

8. With respect to claim 56, Eneborg discloses a method for selecting network access to at least one data network using a telecommunication terminal device (Column 1, lines 5-16) comprising: the telecommunication terminal device selecting access to at least one first network (Column 3, lines 25-34); the telecommunication terminal device connecting to the at least one first network (Column 3, lines 25-34); the telecommunication terminal device recording and saving quality of service information for the at least one first network (Column 5, lines 64-67; i.e. the cited prior art discloses ". . . stored in a local memory ... (QOS)..."); the telecommunication terminal device disconnecting from the at least one first network (Column 1, lines 43-54); the telecommunication terminal device analyzing the saved quality of service information for the at least one first network to select access to at least one of a plurality of second networks to connect to that at least one second network (Column 6, lines 1-20); the telecommunication terminal device selecting access to the at least one second network of the

plurality of second networks (Column 7, lines 10-18); and the telecommunication terminal device connecting to the selected at least one second network (Column 7, lines 10-18).

9. With respect to claim 57, Eneborg discloses wherein the analyzing of the saved quality of service information for the at least one first network to select access to at least one of a plurality of second networks is based on an analysis method that depends upon at least one user defined parameter (Column 8, lines 23-40).

10. With respect to claim 60, Eneborg discloses the telecommunication terminal device communicating with at least one other telecommunication terminal device to obtain quality of service information for at least one of the plurality of second networks for use in determining which of the at least one second networks to select (Column 8, lines 23-40).

11. With respect to claim 61, Eneborg discloses wherein the at least one other telecommunication terminal device is within a predetermined distance of the telecommunication terminal device (Column 5, lines 1-19; i.e. the prior art discloses a LAN, Bluetooth, etc. all of which have a set (predetermined) distance).

12. With respect to claim 62, Eneborg discloses wherein the telecommunication terminal device is configured to communicate the saved quality of service information for the at least one first network to other telecommunication terminal devices (Column 8, lines 23-40).

13. With respect to claim 63, Eneborg discloses wherein the analyzing of the saved quality of service information for the at least one first network to select access to at least one of a plurality of second networks accounts for at least one interface of the telecommunication terminal device to determine at least one optimum second network (Column 12, claim 11).

14. With respect to claim 64, Eneborg discloses wherein the selecting access to the at least one second network of the plurality of second networks selects the at least one optimum second network (Column 12, claim 11).

15. With respect to claim 65, Eneborg discloses wherein the telecommunication terminal device is a mobile radio telecommunication terminal (Column 4, lines 47-67).

16. With respect to claim 66, Eneborg discloses the telecommunication terminal device analyzing costs or charges associated with access to each of the second networks for use in determining the at least one second network to select (Column 3, lines 31-43).

17. With respect to claim 67, Eneborg discloses wherein the analyzing of the saved quality of service information for the at least one first network to select access to at least one of a plurality of second networks is based on an analysis method that depends upon at least one network access quality parameter and at least one account parameter (Column 8, lines 23-40).

18. With respect to claim 68, Eneborg discloses wherein the at least one account parameter is comprised of at least one parameter dependent upon a selected video application and wherein at least one of the second networks is also a network of the at least one first network (Column 8, lines 23-40).

19. With respect to claim 69, Eneborg discloses storing the quality of service information for the at least one first network on a central computer (Column 6, lines 32-42).

20. With respect to claim 70, Eneborg discloses updating the stored quality of service information for the at least one first network (Column 5, lines 64-67).

21. With respect to claim 73, Eneborg discloses a telecommunication terminal device comprising: at least one interface for connecting to at least one network (Column 1, lines 5-10); a monitor module connected to the at least one interface, the monitor module configured to monitor a quality of a network connection between the telecommunication terminal device and a network (Column 5, lines 48-59; i.e. a module is simply software in the device); a reputation repository module connected to the monitor module, the reputation repository module configured to retain quality of network connection information monitored by the monitor module (Column 5, lines 60-67); a connection analysis module connected to the reputation repository module, the connection analysis module configured to analyze network connection information retained in the reputation repository module (Column 6, lines 1-20); and a connection management module connected to the connection analysis module, the connection management module configured to

use data analyzed in the connection analysis module to determine an accessible network to select for connection to a network (Column 8, lines 54-67 continued through to Column 9, lines 1-8).

22. With respect to claim 74, Eneborg discloses wherein the connection management module is configured to process all potential combinations of the interfaces and available network access providers to use to determine an optimum network access to select for connection to that network (Column 9, lines 9-29).

23. With respect to claim 75, Eneborg discloses a reputation information client module connected to the connection analysis module, the reputation information client module configured to direct communications with other telecommunication terminal devices to obtain network access information that the other telecommunication terminal devices have stored (Column 6, lines 1-20); and the connection analysis module configured to access the network access information that the other telecommunication terminal devices have stored obtained by the reputation information client module (Column 8, lines 54-67 continued through to Column 9, lines 1-8).

24. With respect to claim 76, Eneborg discloses wherein the reputation information client module is connected to the reputation repository module (Column 6, lines 1-20).



***Claim Rejections - 35 USC § 103***

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. **Claims 58, 59 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eneborg, in view of Muller et al. (Patent No US 6356541 B1), hereinafter Muller.**

27. With respect to claim 58, Eneborg discloses linking location information of the telecommunication terminal device to the recorded and saved quality of service information for the at least one first network (Column 8, lines 23-40; i.e. the prior art discloses ... "access capabilities" as it is used herein refers to one or more of these (and **other factors**) associated with the access network. The examiner interprets the citation of "other factors" as including location).

Eneborg does not disclose determining a location of the telecommunication terminal device when the telecommunication terminal device is connected to the at least one first network.

However, Muller discloses determining a location of the telecommunication terminal device when the telecommunication terminal device is connected to the at least one first network (Column 8, lines 66-67 continued through to Column 9, lines 1-5).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings Eneborg with the teachings Muller in order to allow a network administrator or technician to manage and maintain the many terminals in a network by identifying the device's location.

28. With respect to claim 59, it is rejected for the same reasons as claim 58 above. In addition, Eneborg discloses wherein the analyzing of the saved quality of service information for the at least one first network to select access to at least one of a plurality of second networks considers the location information linked to the recorded and saved quality of service information for the at least one first network (Column 6, lines 1-20).

29. With respect to claim 77, Eneborg discloses data of the determined location being linked to quality of network connection information retained by the reputation repository module, the data of the determined location also being stored in the reputation repository module (Column 8, lines 23-40).

Eneborg does not disclose a localizing module connected to the reputation repository module, the localizing module configured to determine a location of the telecommunication terminal device.

However, Muller discloses a localizing module connected to the reputation repository module, the localizing module configured to determine a location of the telecommunication terminal device (Column 8, lines 66-67 continued through to Column 9, lines 1-5).

**30. Claims 71-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eneborg in view of Tayloe et al. (Patent No US 5,826,188 A), hereinafter Tayloe.**

31. With respect to claim 71, Eneborg does not disclose wherein the selecting of access to the at least one second network of the plurality of second networks is determined based upon telecommunication terminal device location requirements needed for access to a second network.

However, Tayloe discloses wherein the selecting of access to the at least one second network of the plurality of second networks is determined based upon telecommunication terminal device location requirements needed for access to a second network (Column 4, lines 1-35).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings Eneborg with the teachings Tayloe in order to allow a network administrator or technician to manage and maintain the many terminals in a network.

32. With respect to claim 72, Eneborg does not disclose a navigation system of the telecommunication terminal device communicating directions on how to get to a location needed for access to a selected second network.

However, Tayloe discloses a navigation system of the telecommunication terminal device communicating directions on how to get to a location needed for access to a selected second network (Column 4, lines 1-12).

***Response to Arguments***

33. Applicant's arguments filed 09 September, 2009 have been fully considered but they are not persuasive.

34. With respect to applicants arguments on page 13 of 17 of the instant arguments. Applicant's contend that "there is no teaching or suggestion by Eneborg et al, for using saved network quality of service information in subsequent determinations of which network to select". The examiner respectfully disagrees and refers applicant's to Eneborg Column 5, lines 64-67.

35. With respect to applicant's arguments on page 14 of 17 of the instant arguments. Applicant's contend that "[n]one of the cited art teaches or suggests a telecommunication terminal device that includes a reputation repository module, connection analysis module and connection management module as required by claims 73-77". The examiner respectfully disagrees and states to the applicant's that a reputation repository module, a connection analysis module and connection management module can be software code or some kind of memory. As such the examiner refers applicant's to the above rejections for claims 73-77, where the prior art makes mention of preferences (i.e. QOS, cost, etc.) being stored in memory.

***Conclusion***

36. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARSHALL MCLEOD whose telephone number is (571)270-3808. The examiner can normally be reached on Monday - Thursday 6:30 a.m-4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/  
Primary Examiner, Art Unit 2457

/Marshall McLeod/  
Examiner, Art Unit 2457  
12/3/2009